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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: James Weldon  
Serial No.: 10/825,059  
Filed: 04/15/2004  
Group Art Unit: 2836  
Examiner: Patel, Dharti Haridas  
For: AUTOMATIC MOTOR OUTPUT-TO-INPUT POWER  
CALCULATOR

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests pre-appeal brief review because there is no *prima facie* case of anticipation against any of Applicant's claims. Claim 1, which is representative, is reproduced here for convenience.

1. (Original) A motor controller comprising:  
an interface for manually entering values of a motor output;  
an input power setting determining module that automatically  
determines a motor input power setting based upon entered motor output  
values; and  
a display portion that provides a visual display of the determined  
motor input power setting.

The rejection based upon the *Younger, et al.* reference (6,445,966) must be withdrawn. There is no *prima facie* case of anticipation against any of Applicant's claims. Claim 1, for example, includes "a display portion that provides a visual display of the determined motor input power setting." There is no such display portion in the

67,010-096  
H2755-SUN

*Younger, et al.* reference. There is no discussion in that reference regarding displaying any motor input power setting values.

The Examiner suggests that the display of *Younger, et al.* is such a display based on calling the torque values T1 and T2 determined "input power settings" that are based on the manually entered values of motor output. The Examiner also contends, however, that the T1 and T2 values are "the manually entered values of motor output." The Examiner cannot have it both ways. Either the values T1 and T2 are going to be interpreted as the "manually entered values of motor output" or they are going to be interpreted as automatically "determined motor input power settings" based upon entered motor output values. The values T1 and T2 in the *Younger, et al.* reference cannot be both.

Therefore, the Examiner has failed to find every limitation of the claims in the *Younger, et al.* reference. The Examiner's position when attempting to manufacture a *prima facie* case of anticipation is, at best, internally inconsistent and does not establish a *prima facie* case of anticipation.

The only motor output entered by a user in the *Younger, et al.* reference is a torque T1 or T2 (see, e.g., column 11, line 4 and line 14). The microprocessor 48 in the *Younger, et al.* reference calculates "initial line currents  $I_A$ ,  $I_b$  and  $I_C$  necessary for AC induction motor 16 to generate such a torque." Those line currents are never displayed in any manner within the *Younger, et al.* reference. The other parameters relating to those line currents that are presumably used by the microprocessor 48 include the notch  $\gamma$  and a delay used in an alpha control (see, e.g., column 7, lines 16-45). There is no discussion

67,010-096  
H2755-SUN

or suggestion anywhere within the *Younger, et al.* reference for displaying those values at all.

It is no surprise that these values are not displayed because there would not be any benefit to doing that. The values that are determined responsive to a user set torque value T1 or T2 are not values that a user would have any need to see for purposes of the *Younger, et al.* arrangement working as it is intended to work. Without a display of determined motor input power settings that are based upon manually entered motor output values, there is no *prima facie* case of anticipation.

Claim 16 recites motor output values that are received that include at least one of a motor rating value or a motor efficiency value. There is no discussion anywhere within the *Younger, et al.* reference of a motor rating value or a motor efficiency value that are input by a user such that they would be received by the microcontroller 48 of that reference. Instead, as noted above, the only motor output value entered by a user in the *Younger, et al.* reference is a torque value T1 or T2. Even if the time values t1 or t2 entered by a user in the *Younger, et al.* reference could be strained to be interpreted as a motor output value, they do not constitute a motor rating or a motor efficiency. There is nothing within the *Younger, et al.* reference corresponding to that kind of motor output value entered by an individual and, therefore, there is no *prima facie* case of anticipation against claim 16.

67,010-096  
H2755-SUN

All rejections must be withdrawn. This case is in condition for allowance.

Respectfully submitted,

CARLSON, GASKEY, & OLDS

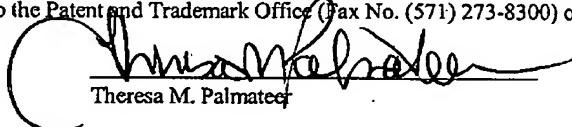
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Dated: January 5, 2009

CERTIFICATE OF FACSIMILE

I hereby certify that this Pre-Appeal Brief Request for Review, relative to Application Serial No. 10/825,059 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on January 5, 2009.

  
Theresa M. Palmateer